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Senate Bill 531

By: Senators Tate of the 38th, Fort of the 39th and James of the 35th

A BILL TO BE ENTITLED AN ACT

- 1 To provide for a homestead exemption from Fulton County ad valorem taxes for county
- 2 purposes in an amount equal to the amount by which the current year assessed value of a
- 3 homestead exceeds the base year assessed value of such homestead; to provide for
- 4 definitions; to specify the terms and conditions of the exemption and the procedures relating
- 5 thereto; to provide for applicability; to provide for a referendum, effective dates, and
- 6 automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 (a) As used in this Act, the term:

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- 10 (1) "Ad valorem taxes for county purposes" means all ad valorem taxes for county
- purposes levied by, for, or on behalf of Fulton County, including, but not limited to, any
- ad valorem taxes to pay interest on and to retire county bonded indebtedness.
- 13 (2) "Base year" means the taxable year immediately preceding the taxable year in which
- the exemption under subsection (b) of this section is first granted to the most recent
- owner of such homestead.
- 16 (3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
- the O.C.G.A., as amended, with the additional qualification that it shall include not more
- than five contiguous acres of homestead property.
- 19 (b) Each resident of Fulton County who is 65 years of age or older and has resided in his or
- 20 her homestead for 25 or more years continuously is granted an exemption on that person's
- 21 homestead from Fulton County ad valorem taxes for county purposes in an amount equal to
- 22 the amount by which the current year assessed value of that homestead exceeds the base year
- 23 assessed value of that homestead. This exemption shall not apply to taxes assessed on
- 24 improvements to such homestead or additional land that is added to such homestead after
- 25 January 1 of the base year. If any real property is removed from such homestead, the base
- year assessed value shall be adjusted to reflect such removal, and the exemption shall be

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27 recalculated accordingly. The value of that property in excess of such exempted amount 28 shall remain subject to taxation.

- (c) A person shall not receive the homestead exemption granted by subsection (b) of this section unless such person or person's agent files an application with the tax commissioner of Fulton County, giving such information relative to receiving such exemption as will enable the tax commissioner of Fulton County to make a determination regarding the initial and continuing eligibility of such person for such exemption. The tax commissioner of Fulton County shall provide application forms for this purpose.
- (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year 36 37 as long as the person granted the homestead exemption under subsection (b) of this section 38 occupies the residence as a homestead. After a person has filed the proper application as 39 provided in subsection (c) of this section, it shall not be necessary to make application 40 thereafter for any year, and the exemption shall continue to be allowed to such person. It 41 shall be the duty of any person granted the homestead exemption under subsection (b) of this 42 section to notify the tax commissioner of Fulton County in the event that person for any 43 reason becomes ineligible for such exemption.
- (e) The exemption granted by subsection (b) of this section shall not apply to or affect any 44 45 state ad valorem taxes, county or independent school district ad valorem taxes for educational 46 purposes, or municipal ad valorem taxes for municipal purposes. The homestead exemption 47 granted by subsection (b) of this section shall be in addition to and not in lieu of any other 48 homestead exemption applicable to Fulton County ad valorem taxes for county purposes. (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
- 49 50 beginning on or after January 1, 2011.

51 **SECTION 2.**

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52 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Fulton County shall call and conduct an election as provided in this section 53 for the purpose of submitting this Act to the electors of Fulton County for approval or 54 55 rejection. The election superintendent shall conduct that election on the date of the 2010 November general election and shall issue the call and conduct that election as provided by 56 general law. The election superintendent shall cause the date and purpose of the election to 57 be published once a week for two weeks immediately preceding the date thereof in the 58 59 official organ of Fulton County. The ballot shall have written or printed thereon the words:

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60 "() YES Shall the Act be approved which provides a homestead exemption from 61 Fulton County ad valorem taxes for county purposes in an amount equal to 62 () NO the amount by which the current year assessed value of a homestead 63 exceeds the base year assessed value of such homestead for persons 65 64 years of age and older who have resided in their homestead continuously for 25 years or more?" 65 66 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on 67 68 such question are for approval of the Act, Section 1 of this Act shall become of full force and 69 effect on January 1, 2011. If the Act is not so approved or if the election is not conducted 70 as provided in this section, Section 1 of this Act shall not become effective, and this Act shall 71 be automatically repealed on the first day of January immediately following that election 72 date. The expense of such election shall be borne by Fulton County. It shall be the election

74 SECTION 3.

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75 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon

76 its approval by the Governor or upon its becoming law without such approval.

superintendent's duty to certify the result thereof to the Secretary of State.

77 SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.